

02-13-03

1763 100#6



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David S. Becker, *et al.*

Serial No.: 09/923,058

Filed: August 6, 2001

For: METHODS FOR ENHANCING SILICON  
DIOXIDE TO SILICON NITRIDE  
SELECTIVITY (*as earlier amended*)

Group Art Unit: 1763

Examiner: Unknown

Atty. Dkt. No.: 11762.0284.CNUS01  
(MCRO:284—2)

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the documents listed on the attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents as required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R §§ 1.97(g),(h), this Supplemental Information Disclosure Statement is not meant to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is prior art or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b).

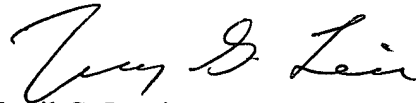
This Supplemental Information Disclosure Statement is being filed prior to the receipt of a first Office Action reflecting an examination on the merits, and hence is believed to be timely in accordance with 37 C.F.R. § 1.97(b). Accordingly, no fee is believed to be due. Should any fees be deemed necessary, however, the Commissioner is hereby authorized to charge any additional fees which may be required to Howrey Simon Arnold & White Deposit Account No.:01-2508/MCRO284—2/LWT.

Should the Examiner believe that a full translation of Japanese Patent reference numbers B1-B6 is necessary, Applicant will gladly procure a full translation at the Examiner's request.

Pursuant to MPEP § 2001.06(c), Applicant also wishes to point out that the patents issuing from parent applications to the present application (serial 09/344,277, issued as USP 6,287,978; serial 08/905,891, which issued as USP 6,015,760; and serial 07/898,505, which issued as USP 5,286,344) have been involved in a litigation, namely *Sandisk Corp. v. Micron Tech., Inc.*, Civ. No. 02-2627CW (N.D. Cal.). Pursuant to the local rules in that court, Sandisk filed "Preliminary Invalidity Contentions" for each of the three parent patents, which are attached as references C12-14 on Form 1449. After reviewing this matter with litigation counsel, it is my understanding that this case ultimately settled without further discovery pertinent to the invalidity or enforceability of the claims in those patents, and without any claim in those patents being rendered invalid or unenforceable.

Applicant respectfully requests that the listed documents be considered and made of record in the present case, and that the Examiner initial the spaces on the accompanying Form PTO-1449 to evidence the same.

Respectfully submitted,



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Date: 2-12-03